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Socrates' Evil Associates and the Motivation for his Trial and Condemnation

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SOCRATES' EVIL ASSOCIATES AND THE MOTIVATION FOR HIS TRIAL AND CONDEMNATION

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Before Socrates actually begins his defense in Plato's Apology, he explains why it is necessary for him to refute two sets of accusations, the "first" accusations and the "later" ones. The "later" accusations are the formal charges contained in the indictment written by Meletus with the backing of Anytus and Lycon, on the basis of which Socrates has been ordered to appear before the court. But he is convinced that his jurors are already deeply biased against him because over the years they have come to be convinced of the truth of other accusations against him (18c4-7). Indeed, Socrates says that it was Meletus' acceptance of such slanders that led him to bring the formal charges (19a8-b2).[1] Because the "first" accusations have been allowed to stand unchallenged for so long, Socrates regards them as even more dangerous to him than the formal indictment (18b1-6).

Socrates' account in the Apology of the nature of the "first" accusations and his categorical denial of their truth is reasonably straightforward. He maintains that for many years he has been falsely accused of teaching young people atheism and sophistical reasoning (18b1-c5). Thus, the Apology suggests that the bias against Socrates concerns only what was believed to be his impiety and lack of moral integrity.

But other ancient authors suggest another source of prejudice against Socrates. Some time after 394, the sophist Polycrates wrote his Accusation of Socrates.[2] The speech itself has been lost, but it seems to have taken the form of an epideixis, or rhetorical display, in which he sought to demonstrate various rhetorical techniques. Speeches in this genre are designed only to

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[1]On the relationship between these "first" accusations to the formal charges made by Meletus, Anytus and Lycon, cf. our paper, "The Formal Charges against Socrates," The Journal of the History of Philosophy 23.4 (1985) 457-81. The views of this paper on the effects of Socrates' relationships to Alcibiades, Critias, and Charmides, however, are somewhat different from those we expressed there. Another who claims that there is a close correspondence between the "first" and the "later" accusations against Socrates is Mario Montuori, in Socrates: Physiology of a Myth (Amsterdam, 1981), 233-6. A. S. Ferguson ("The Impiety of Socrates," CQ 7 [1913] 157-75) also suggests this when he says that Meletus' interpretation of his own charges in Plato's Ap. betrays a commitment to the truth of the "first" accusations (170-1).

[2]For an extensive reconstruction and discussion of Polycrates' speech, cf. A.-H. Chroust, Socrates: Man and Myth (Notre Dame, Indiana: 1957), esp. 69-100.

demonstrate their authors' rhetorical mastery; no commitment to the truth of their specific claims would have been supposed. Indeed, the most effective advertisement of a rhetorician's talents would perhaps be made in a convincing speech whose thesis the speaker could be presumed not to believe. But whether or not Polycrates' accusations were sincere, the reactions to them on the part of various Socratic apologists indicate that they were taken seriously enough to refute, even in the first few decades after the actual trial. One charge in particular concerns us: Isocrates in the Busiris, in direct response to Polycrates, states, "And when your purpose was to accuse Socrates, as if you wished to praise him, you gave Alcibiades to him as a pupil."[3] Xenophon repeats a similar charge in the Memorabilia, in what is almost certainly a reference to Polycrates, ". . . his accuser argued thus: Having become the associates of Socrates, Critias and Alcibiades did great evil to the city."[4] The charge that Socrates had corrupted Critias was still in the air some fifty years after the trial; Aischines Rhetor, in a remark directed at an Athenian jury, says, "You put Socrates, the sophist, to death because he was shown to have educated Critias."[5]

Elsewhere, Plato confirms these and other potentially damaging associations. Alcibiades and Critias are present in Plato's Protagoras (316a3-5, 336b7-e4), and Socrates' attraction to the former is alluded to in that dialogue (309a1-b2), as well as in the Gorgias (481d1-4) and the Symposium (213c6-d6, 214c8-d4, 216e7-219e5, 222c1-d3).[6] In the Charmides, we learn that Critias is a long-time acquaintance of Socrates' (156a7-8).[7] The Charmides (cf. esp. 155c7-e2) and Symposium (222a8-b4) also portray Socrates' strong attraction to Charmides, who would later disgrace himself as one of the Thirty.[8] Although Plato's portrayals show that Socrates was only concerned to improve the souls of those with whom he talked, the prominence assigned to these men in the dialogues lends at least some support to the view that they

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[3]The quotation is from Bus. 5. That the speech is in response to Polycrates is made explicit from the very first line.

[4]Xenophon, Mem. 1.2.12. The first to argue that Xenophon's kategoros in this section of the Mem. is Polycrates was C. G. Cobet, Novae lectiones (Lugduni Batavorum, 1858), 668-82. This is now the generally accepted view (cf., e.g., Chroust, 69 ff.).

[5]Aischines, In Tim. 173.

[6]Although the Symp. is a "middle dialogue" and hence cannot be counted as presenting anything of the philosophy of the historical Socrates, Alcibiades' speech in praise of Socrates (214e9-222b7) can safely be considered to refer to features of the actual relationship between the two. Some close relationship is implied as well in both Alc. I and Alc. II, but these are considered spurious by most scholars.

[7]Critias also appears in the later dialogues, Ti. and Criti.

[8]Charmides is also present in the Prt. (315a1).

were regarded as members of a Socratic circle. Why then does Socrates not explicitly recognize and respond to the sinister effects of these associations in the minds of his jurors at the trial?

In the remainder of this paper, we shall reexamine the evidence from the Apology and other sources regarding the nature of the prejudice against Socrates at the time of his trial. In particular, we shall review and assess what appear to be the possible explanations of Socrates' failure to mention his associations with such notorious figures in the Apology. In the end, we shall endorse the view that Socrates' characterization of the "first" accusations in the Apology is entirely adequate to establish a line of defense against any reasonable conception of the prejudice against him, even if that prejudice includes a grave concern for his associations with, and intellectual influence upon, the likes of Alcibiades and Critias.

I

Now it might be thought that Socrates' failure to mention such damaging associations is just a sign of how little what he says in the Apology is actually designed to provide an effective defense.[9] Having argued elsewhere against any such interpretation,[10] we see little need to take it up once again here. For our present purposes, it is enough to say that we do not find irony in Socrates' announcement in the prooemium of his speech that he wants his defense to succeed. He thinks, of course, that it is unlikely that he will convince the jury of his innocence, since he has so little time to remove the prejudice that they have developed over so many years (18e6-19a5). But he clearly believes that success depends upon his adequately refuting the "first" accusations (18e6-19a2).

It might be supposed, however, that Socrates' silence derives from his concern that the mere mention of some of his personal associations would further inflame the jury's prejudice against him. On this view, it is his wish to win the case that makes Socrates avoid this most sensitive point, perhaps because he is convinced that he could never explain away such associations to the jury's satisfaction.

There are a number of reasons why we do not incline to this view, either. For one thing, Socrates' expression of concern to defend himself against the

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[9]John Burnet (Greek Philosophy Part 1: Thales to Plato [London, 1914], 181-2), and Eduard Zeller (Socrates and the Socratic Schools, tr. Reichel [London, 1877], 195) explicitly say that Socrates' speech is no real defense. Though not stated explicitly in their accounts, this view is also plainly a consequence of what a number of others do say: cf. A. E. Taylor (Socrates [New York, 1933], 109), Paul Friedlander (Plato, vol. 2 [New York, 1957], 157), and Benjamin Jowett ("Introduction to the Apology," The Dialogues of Plato [New York and London, 1892], 106), for examples.

[10]Cf. "Irony, Arrogance, and Sincerity in Plato's Apology," New Essays on Socrates, Eugene Kelly, ed. (Lanham, New York, and London, 1984), 29-46.

sources of the bias and hostility he perceives in his jurors would be at best only rhetorical if he were unprepared to address some accusations of such gravity as to be substantially prejudicial to his case. Nothing in the Apology suggests that there are topics too sensitive for Socrates to mention; on the contrary, Socrates says that he will have to review openly the very things that have led to such widespread prejudice against him. And if other ancient commentators' attention to Socrates' associations is taken as a sure sign that these associations would have concerned the Athenian jury in 399, then Socrates' failure to address this concern explicitly would almost certainly be seen by the members of that jury as a concession of the implications drawn later by Polycrates. We conclude that if Socrates perceived his associations with Alcibiades and Critias (and perhaps others) as being potentially damaging, he would feel compelled to discuss the issue openly in court.

Now one passage from the Apology itself might be supposed to show that the most important assumption of our argument so far is mistaken. At Apology 33a1-5 Socrates says to his jurors, "all my life, whether in public activity, if I engaged in such, or in private, I have always been the same, and have never given in to anyone contrary to justice, neither to any other, nor to any of those my slanderers say are my students" (our italics). To whom is Socrates referring, when he calls attention to "those my slanderers say are my students"? One might argue that Socrates' "slanderers" would select the most damning of Socrates' associations to include in this category, and that history shows that Alcibiades and Critias (and perhaps Charmides) would be at the top of this list. On this reading, Alcibiades and Critias (and maybe Charmides) must have been mentioned as Socrates' students by the "slanderers," and thus at 33a4-5 Socrates does directly refer to his most notorious associates, so that what follows will comprise the very specific refutation of this prejudice that we have said is missing from the Apology.[11]

But when Socrates says that his slanderers identify certain people as his students, it is not at all clear that by "my slanderers" he is referring to Meletus, Anytus and Lycon.[12] In fact, we believe that the expression is much more likely to refer to the "first" accusers than to these, the "later" accusers. Throughout the Apology, Socrates is quite careful to indicate which of the two sets of accusations he is addressing (cf. 18a7-e4, 19a8-b2, 24b3-c2, 28a2-b2). At 28a4, Socrates tells the jury that what he has already said is a sufficient defense against the "later" accusers, and immediately after this, he reintroduces the dangers he faces from the long-standing prejudices against him (i.e. the "first" accusations). He never again makes an explicit general shift of attention to the "later" accusers. It would thus be odd indeed for him abruptly to focus his attention on the "later" accusers at

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[11]Cf., for example, John Burnet, who takes this view (cf. Plato's Euthyphro, Apology of Socrates, and Crito, Oxford, 1924, note on 33a4).

[12]Burnet himself points this out (cf. Burnet [1924] note on 33a4).

33a1-5 without some specific indication that he is doing so.[13]

But if "my slanderers" refers to the "first" accusers, the sense of the passage does not require us to suppose that the actual names of any so-called students had been introduced in court for Socrates to concede or dispute. Instead, Socrates' remarks become quite general--he has never given in to anyone, even those whom popular prejudice may hold to have been his students (whoever these may be). In fact, Socrates' subsequent remarks appear to have just this character, designed to cover any case regarding the teaching of evil ways that the various shadowy "first" accusers may have made against Socrates (cf. 18d6-7).

On the other hand, if we suppose that "my slanderers" refers to the "later" accusers, the sense of the passage at least strongly suggests that the names of such alleged students had actually been named in the courtroom, for now Socrates would be referring to persons who Meletus, Anytus, and (or) Lycon had said were Socrates' students. If no such persons had actually been named, there would be no referent to "those my slanderers say are my students."

Let us suppose for the sake of argument that, despite our reservations, Meletus and Anytus did make clear in their speeches that they considered Socrates to have been the "corrupter" of the notorious Alcibiades and Critias. In what way would they have attempted to raise this issue before the jury? We can be entirely confident that no attempt would have been made by his prosecutors to detail Socrates' subversion of Alcibiades and Critias in an attempt to give content to the vague charge of "corrupting the youth." According to the terms of the Amnesty that had been passed under the Archonship of Eucleides in 403/2, in the advocacy and passage of which Anytus had been centrally involved, Socrates could not legally be charged with crimes committed before or during the period of the Thirty Tyrants' reign. But Critias and Charmides had died during the attack on Mounichia in the Piraeus,[14] during the civil war that eventually ended the Tyrants' authority, and Alcibiades seems also to have died at about this time.[15] So any corruption of youth involving those persons had to have occurred by or before the establishment of the Thirty (in fact, before--none of the men in question would have qualified as youths by that late date), and hence would be exempted as grounds for prosecution by the Amnesty. So the "later accusers" would have been prohibited by the law so closely associated with one of them (Anytus) from charging Socrates with having corrupted any of the men in question. But this only shows that the corruption of Alcibiades and Critias (and maybe Charmides), could not have been a legal specification of the accusations made against

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[13] In fact in the other two cases in which Socrates refers to a set of accusers as "slanderers" (diaballontes), it appears that it is the "first" accusers to whom he refers (cf. 19b3, 23e3). Whenever he plainly refers to the "later" accusers, he uses some form of "kategoros."

[14] Cf. Peter Krentz, The Thirty at Athens (Ithaca, 1982), 90-92.

[15] Ibid, 79.

Socrates by the "later accusers" in 399.

This legal consideration does not show, however, that unmistakable references to Socrates' associations with Alcibiades and Critias could not have been made by Meletus, et al., through obvious insinuation, or even quite explicitly, by way of character assassination. References to crimes antedating the Amnesty, aimed at poisoning juries about the actual legal allegations before them, were not uncommon in trials that came after the Amnesty. In Socrates' case, "recent" corruptions need only be added to give the proceedings legal warrant; the more notorious and less recent associations could remain the most actually damning in the minds of the jurors.[16]

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[16]Burnet (1924; 101) and J. W. Roberts (City of Sokrates [London, Boston, Melbourne and Henley, 1984], 245) have suggested that the Amnesty of 403 would have prevented the prosecution from any open references to Socrates' relations with Alcibiades and Critias. But even if this were the case, the Amnesty would not prohibit Socrates from mentioning the bias such relationships may have aroused against him.

In fact, however, we believe that Burnet and Roberts have misunderstood the issue somewhat. The Amnesty provided for a complete revision and recodification of the laws. All prior psephismata were annulled, and no offenses under the old laws could be prosecuted subsequent to its passage. Thus, Socrates could not be formally charged with breaking any of the annulled laws, or with complicity in any of the more notorious acts of the two villains. But nothing in the Amnesty ruled out character assassination of the sort we can imagine Socrates suffering as a result of his associations and alleged influences. As Loening (for reference, see below) puts it, "It was permissible to cite the conduct of an individual under the oligarchy at scrutinies and other processes in the way of character evidence" (vii; repeated verbatim on 203), and if one's activities during the oligarchy could be cited in this way, so could one's activities prior to 403. Thus, for example, the Amnesty plainly did not prevent Lysias from associating the younger Alcibiades with the evils of his father (14.30-42). (For a list of the Lysianic corpus's other hostilities to Alcibiades, cf. K. J. Dover, Lysias and the Corpus Lysiacum [Berkeley and Los Angeles, 1968], 53-4.) The Amnesty declared which legal actions could and could not be taken. It did not in any way inhibit litigants from making ample and unmistakable references to events that antedated the restoration of the democracy in the way Burnet and Roberts seem to suppose. Nothing in the Amnesty, therefore, helps to provide the solution to the problems we are addressing in this paper. (Ancient sources on the reconciliation agreement of 403/2 and the Amnesty that was one part of it include: Andocides, Myst., 85-97; Arist. Ath. Pol. 39.1-6, 40.1-3; Diod. 14.33.5-6; Lys. Against Hippotherses 11.38-48; Nep. Life of Thrasyboulas (III); Xen. Hell. 2.4.38-9. The most reliable commentary on the subject may be found in Thomas Clark Loening, "The Reciation Agreement of 403/402 B. C. in Athens: Its Content and Applications," Diss. Brown University, 1981. Other discussions include: Paul Cloche, La restauration democratique a Athenes en 403 avant J.-C. [Paris, 1915]; A. Dorjahn, Political Forgiveness in Old Athens: The Amnesty of 403 B.C. [Evanston, 1946]; R. Grosser "Die Amnestie des Jahres 403 v. Chr.," Diss. Minden, 1868; J.-H. Kuhn, "Die Amnestie von 403 v. Chr. im Reflex der 18 Isokrates-Rede," Wien. Stud. 80 (1967) 31-73; J. Luebbert, "De amnestia anno 403 a.c. ab Atheniensibus decreta," Diss. Kiel, 1881; and Douglas MacDowell, The Law in Classical Athens [Ithaca, 1978], 46-8.)

Recall, however, that at 28a4-b2 Socrates declares that if he is condemned it will be only because of the strength of the prejudice and emnity brought about by the "first accusations," and not because of Meletus and Anytus. Thus, even if the prosecutors did refer in specific ways to Socrates' associations that antedated the Amnesty, they could not have singled out particular instances that constituted special damage to Socrates' case, beyond what had been said for so many years by the shadowy "first" accusers. It would be worth asking, then, who might have been associated with Socrates as his students according to the comic poets, gossip mongers, and popular prejudices of the day. Unfortunately, virtually all of the evidence on this (with the exception of the Clouds, in which Chairephon is the only historical person associated with Socrates) comes from sources that come later than the Apology itself. Of course, this does not show that Alcibiades, et al., were not included prominently among the alleged "students" in the minds of many jurors or that the prosecutors did not mention them explicitly in their speeches. The point is simply that we have no reason, other than that given us by later writers, to focus so narrowly on these men.

From these considerations, we conclude that Apology 33a4-5 does not of itself compel us to suppose that Socrates alludes specifically to his alleged corruption of Critias, Alcibiades, or Charmides, as opposed to the indefinite number of Athenian youth who, according to the "first" accusers, were ruined by associating with him (cf. 23c2-d2). The most probable reading of 33a1-5 is that Socrates never gave in to anyone at all, including anyone whom prejudice might hold as having been one of Socrates' students. Hence our problem returns to us: if Socrates' relationships with Alcibiades et al. were prejudicial to his case, why did he not address at least part of his defense speech to those specific prejudices?

Two options remain open. (i) We might show, contrary to the apparent sense of other ancient reports, either that there was no reason to suppose that Socrates' associations with Alcibiades and/or Critias were especially serious concerns of the jury, or at least that there is no reason to suppose that Socrates would see them as such. (ii) Alternatively, we might show that the way Socrates construes the "first" accusations, and the way he replies to these, might reasonably be supposed by him to be sufficient to allay any concern the jury might feel about his associations with such notorious men. These alternatives are not mutually exclusive: Socrates may have seen no special reason (as per [i]) to focus on his associations with Alcibiades or Critias (or anyone else in particular), especially if the negative sense of any such association would be sufficiently removed (as per [ii]) by the defense he offers. In the remainder of this paper, we shall accordingly review the evidence for these two options.

II

What precisely are the "first" accusations, according to the Apology? As if quoting from an actual indictment, Socrates tells the jury, "Socrates is unjust and meddlesome because he investigates the things beneath the earth and in the heavens and because he makes the weaker argument the stronger and because he teaches others to do the same" (19b4-c1). He reminds the jury that they saw such accusations presented in Aristophanes' Clouds (19c2), in which a character named "Socrates" is the proprietor of a phrontisterion, a "think shop," where he takes pay from students and engages in speculation about a

wide variety of topics. The character "Socrates" is to some extent a composite made up of a number of "nature philosophers" and sophists through which Aristophanes sought to make a broad attack on the "new intellectualism" that had swept through Athens during the Periclean age.[17] But by by introducing a character named "Chairephon" as one of the principals at the phrontisterion and by naming its master charlatan "Socrates" and portraying him in a variety of specific and personal ways, Aristophanes also sought to lampoon the actual Socrates.[18] Because the caricature of Socrates is so unmistakable, Aristophanes must have thought that he had found in him a credible representative of the new intellectualism.

Aristophanes' caricature is instructive because it shows what the stereotype of the "new intellectual" amounted to. It also shows that as early as 423 Socrates' philosophical activities were sufficiently close to that stereotype in the minds of the mass of Athenians to serve effectively as an exemplar of the whole movement. Striking by its absence from the Clouds, however, is any suggestion that the danger of this movement in general, or Socrates' activity in particular, lay in the promotion of dangerous political propaganda, or indeed of any political theory at all. The "Socrates" of the

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[17]References can be found in the Nub. to the doctrines of Anaxagoras, Diagoras, Gorgias and Prodicus (cf. William Arrowsmith, "Introduction," in The Clouds [Ann Arbor, Michigan], 1962, 3). Though one might wonder how Aristophanes could have succeeded in using a single figure to caricature both "nature philosophers" and sophists, the disparity between the two groups may easily be overrated. The most successful of the sophists, and those best known for the teaching of rhetorical skills, Protagoras, Gorgias, Prodicus and Hippias, all wrote treatises that were presumably taught to their students, in which they attempted to explain such things as the nature of the heavenly bodies and the causes of natural events. According to D. L., Protagoras' works included titles such as "On Sciences," "On the Original State of Things" and "Of Those in Hades," and there is good reason to suppose that he wrote a book "Concerning the Gods" (cf. G. B. Kerferd, The Sophistic Movement [Cambridge, 1981], 43). Gorgias wrote a book "On Nature" (cf. Kerferd, 45). Prodicus' titles include "On the Nature of Man" and perhaps "On Nature" and it is highly likely that he held a naturalistic view of physical change (cf. W. K. C. Guthrie, The Sophists [Cambridge, 1971], 276-7). Hippias claimed virtually universal expertise and, hence, professed to be knowledgable and able to teach in scientific areas such as astronomy, mathematics, and geometry (cf. Kerferd, 47). And though it goes beyond the evidence available to us to say that all of the major sophists were generally thought to be skeptics or atheists, they did have sufficiently overlapping interests in non-theistic explanations, together with their common profession in the teaching of rhetoric for pay, to make possible a stereotype of "the sophist." Even Socrates himself groups the best known living sophists together as if they all practiced the same thing (Ap. 19e1-20a2).

[18]The various ways in which the historical Socrates is specifically picked out for attack by Aristophanes' play are explored in admirable detail by Martha Nussbaum in "Aristophanes and Socrates on Learning Practical Wisdom," Yale Classical Studies vol. 26: Aristophanes: Essays in Interpretations, ed. J. Henderson [Cambridge, 1980], 43-97, esp. 51-3, 66-7, 69-76, 79-88.

Clouds, whatever his other flaws, is wholly apolitical, and none of his students are prominent politicians. Rather, the dangerous features of the intellectual movement Aristophanes lampoons are its concern with naturalistic explanation, its unscrupulous teaching of rhetoric, and its undermining of traditional values.[19] The indictments of the Clouds are clear: naturalistic explanation is tantamount to atheism, and teaching the art of persuasion breeds contempt for what is right. These, then, are the "first" accusations against Socrates, and these are the accusations he labors to refute in the first part of his defense.

In spite of the fact that, according to the Apology, the "first" accusations consisted only of quite general charges of atheism and immorality, many commentators maintain that at least part of the prejudice against Socrates was far more specific and decidedly political in nature.[20] The principal evidence cited in support of this claim is adduced from the "Socratic literature" produced after Socrates' execution,[21] some of which we have already cited. As early as 414, Aristophanes himself may have begun to add a political taint to his jokes about Socrates; in the Birds, produced during the agonies of the Peloponnesian War, we are told that those who talk with Socrates end up being

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[19]According to Nussbaum, "The Clouds . . . attacks Socrates on three counts: (1) his lack of attention to the necessary role, in moral education, of character and the habituation-training of irrational elements; (2) his lack of a positive program to replace what he has criticised; (3) his openness to misunderstanding--his failure to make clear to his students the difference (if there is one) between his aloofness and the immoralism of Anti-Right" (81). We none the less prefer our own analysis of the nature of Aristophanes' attacks, though we believe Nussbaum's items (2) and (3) are assimilable to the second of our two charges. We would accept her item (1), however, as one specification of a charge of intellectualism, which undercuts convention in favor of unrestrained (and thus dangerous) critical inquiry, with its commitment to reason as providing the only source of justification (as opposed to custom or tradition). (Cf. Nussbaum, 66-7, on this issue.)

[20]Cf., for examples, Burnet (1924), note on 18b3; Gregory Vlastos, "The Historical Socrates and Athenian Democracy," Political Theory 2.4 (1983) 495-516; Alban Winspear and Tom Silverberg, Who Was Socrates? [Rahway, New Jersey, 1939], esp. 64-85; Montuori, 167-8, 177-86; Roberts, 243-6; MacDowell, 202. Eduard Zeller (Phil. d. Gr., vol. 1 [Leipzig, 1922; reprinted, 1963], 217), holds that the prejudice against Socrates was only partly political. Zeller's view is supported by W. K. C. Guthrie (Socrates [Cambridge, 1971], 62-3). Indeed, of the major commentators on the Ap., only Reginald Hackforth maintains that the prosecution was not politically motivated (The Composition of Plato's Apology [Cambridge, 1933], 73-9).

[21]In addition to Plato's and Xenophon's, we know of at least six other "apologies of Socrates" supposed to have been written in antiquity, four of which are dated within the first decade or so after Socrates' death. To this literature, we may add the speech of Polycrates, to which so many of the other writings react.

"laconized."[22] Even Xenophon contributes to this taint. Reviewing one of the accusations made against Socrates by "the accuser" (again, almost certainly Polycrates), Xenophon tells us that Socrates was said to have

> . . . taught his companions to despise the established laws by insisting on the folly of appointing public officials by lot, when none would choose a pilot or a builder or a flautist by lot, nor any other craftsman for work in which mistakes are far less dangerous than mistakes made in statecraft. Such sayings, [his accuser] argued, led the young to despise the established constitution and made them violent.[23]

Gregory Vlastos finds ominous significance in the fact that although Xenophon defends Socrates against every other accusation mentioned, he says nothing whatever to rebut the charge that Socrates was an anti-democrat who encouraged others to recognize the irrationality of democracy.[24] And despite differences between Xenophon and Plato on a number of other aspects of their portrayals of Socrates, on this issue they agree utterly: Plato's Socrates also disputes the rationality of allowing non-experts to make political decisions.[25] In fact, explicit and implicit criticisms of Athenian democratic leaders, sentiments, and policies abound in Plato's early dialogues.[26]

Scholars have tended to treat the two accusations (i) that Socrates was somehow to blame for the treachery of Alcibiades and the tyranny and violence of Critias and (ii) that Socrates was an anti-democratic ideologue, as if they were the same accusation, one of a political nature. But this makes little sense. To be sure, an association with Critias, taken by itself, might suggest an affinity for oligarchic politics. Yet everyone also knew that Alcibiades' rise to power derived from his relationship with Pericles and the democratic faction in Athens. And though he proved to be a traitor, Alcibiades was never thought to be an oligarch.[27] Moreover, Socrates' friend-

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[22]Ar., Av., 1281-4.

[23]Xen., Mem. 1.2.9.

[24]Vlastos, 497.

[25]Prt. 319b3-d7.

[26]Cf., for examples, Ap. 24e4-25c1, and esp. 31e1-32a3; Cri. 47a2-48c6; Prt. 319c8-320b3; Meno 93e3-94e2. The extent to which these sentiments are the results of Platonic exaggeration is, however, a matter of concern.

[27]Though he has been accused of tyrannical aims (cf. Ps.-Andoc., Contra Alcibiadem 21-2, 25-32; Thuc. 6.16, 6.53).

ship with Chairephon,[28] whose loyalty to the democracy was beyond reproach,[29] was at least as well known as his associations with Alcibiades and Critias. So even if some of the jurors thought that Socrates had been to some degree responsible for Alcibiades' and Critias' crimes against Athens, they could not seriously have believed that his responsibility lay in promoting some particular anti-democratic political theory. Rather, it would have been that he loosened the hold of traditional restraints on his students by questioning even (or especially!) the most cherished of their society's values. And despite his criticisms of Athens and her ways, Socrates' exemplary military record,[30] especially at Poteidaia and Delion (28e2-3), surely established his willingness to lay down his life for the city he criticized. So at least his patriotism could not have seriously been at question.

Furthermore, the evidence for Socrates' anti-democratic sentiments we find in Xenophon and Plato is not as decisive as commentators have made it out

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[28] In addition to what is said about Chairephon in the Ap. in connection with the Delphic oracle (21a1; cf. also Xen., Ap. 14), Plato also portrays him as a companion of Socrates in his appearances as one of the dramatis personae in the Chrm. and the Grg. Confirmation of this association in Plato's accounts is to be found in Ar. Nub. and Av. (cf. esp. 1554-64), and Xen. Mem. 1.2.48 and 2.3.

[29] In the Ap. Socrates reminds his jurors that Chairephon was a member of the democratic faction (21a1) who had gone into exile with many of the other democrats, and returned with them during the restoration of the democracy (21a2). We cannot accept Burnet's point (cf. his note on 21a2) that Socrates would have been better off not reminding the jury that he himself had not been one of those who went into exile. First, the jury would not have needed to be reminded of the fact, and secondly, although his mention of Chairephon is needed to explain Socrates' reputation for wisdom by the oracle story, it also serves to remind the jury that among Socrates' life-long friends could be counted a man who had scrupulously served the democracy.

[30] Laches praises Socrates' stand at Delion in the La. (181b1-4), as does Alcibiades in the Symp. (220c1-221c1). Socrates' fighting at Poteidaia is also mentioned in the Chrm. 153b4-c4. Socrates himself refers to his willingness to obey his commanders even in the face of death in the Ap. (28d6-e4). For other ancient sources that partially confirm Plato's account of Socrates' heroism in battle, cf. Guthrie, Socrates, 59.

to be.[31] Socrates disputes the use of the lot,[32] it is true, but implies at the same time that the selection procedure by which it should be replaced is that by which we select experts in the crafts. Those associating such remarks with an oligarchic ideology are guilty of non sequitur, for their inference would be warranted only if it followed from Socrates' suggestion that statecraft would automatically become the sole province of members of the oligarchic faction in Athens. We are also owed an account of why we should suppose that the selection procedure Socrates thus endorses would be incompatible with the procedure currently in use by the Athenians for selecting civic craftsmen, for example, the city architect, the master sculptor for civic monuments, or the ten generals; that is, by election. The fact that Socrates dislikes the lot may only show that he prefers more frequent use of the vote; and even if he disputes the good sense of any number of political decisions that were made by the vote, it does not follow that he must be construed thereby as calling for the elimination of a democratic constitution. Most of us now living in democratic states frequently dislike the officials who get elected, and we may have numerous suggestions as to how to attain better results. But despite all of our dissatisfaction, we might still advocate constitutional democracy in practice. Nothing in Xenophon or the early Plato rules this out for Socrates, either. In fact, it is especially noteworthy that despite the plainly oligarchic sympathies of both authors, nowhere in either's work (until Plato's later dialogues) do we find Socrates calling for a constitutional alternative to democracy. Of course, according to the ancient conception, one of the principle foundations of democracy is the selection of civic officials by lot. Socrates' criticism of sortition might thus have been interpreted by his enemies as evidence of misodemia. So prejudice, which does not require much in the way of reason to inflame it, could easily have made Socrates out to be an enemy of democracy. But if Socrates' remarks about the fundamental importance of respect for the law in Plato's Crito are taken seriously, remarks called to mind by his frequent professions of respect and concern for the law

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[31]An excellent review of the evidence for and against Socrates' anti-democratic sentiments may be found in Richard Kraut, Socrates and the State (Princeton, 1984), Ch. 7, 194-244.

[32]In addition to the above quotation from Xenophon, evidence for Socrates' criticism of sortition may be found in Arist. Rh. 1393b3-8. On the way in which such criticisms might have been seen, cf. op. cit. 1365b30-31. In fact, however, there is at least some reason to suppose that a criticism of selecting officials by lot would not suggest anything of particular consequence for partisan politics. According to Anaximenes Rhetor (Ars Rhet. [Ps. Arist. Rhet. Alex.] 2.14, 1424a17-20) the only appointments by lot even in democracies were to minor posts; the important ones were elected. Moreover, the same author contends that appointment by sortition was possible in oligarchies, as well (2.18, 1424a40-b3). If so, Socrates' criticism would apply to oligarchies no less than to democracies, and might only reflect the view that any public post would be important enough to elect. Cf. G. E. M. de Ste. Croix, The Class Struggle in the Ancient Greek World (Ithaca, N.Y., 1981) 285, and L. Whibley, Greek Oligarchies: Their Character and Organization (London, 1896; reprinted: Chicago, 1975) 145-6, for discussions.

in the Apology (cf. 19a6, 25d2-3, 28d6-8, 29b6-7, 31e3-4, 32b1-c4, 35b9-c5) we must conclude that though there might be much he would advocate changing, the changes would be within the constitution of the Athens in which he was raised and nurtured, and according to due process under the democratic laws that constitution establishes. Such can hardly be accounted the political theory of a dangerous oligarchic revolutionary.

But as we have said, prejudice does not require its tenets to be grounded in reason, so nothing of what we know of Socrates' actual views, even if they show him to pose no partisan threat to Athens' democracy, will rule out the possibility that he was seen as an anti-democrat. It remains possible that Socrates' various anti-democratic beliefs, despite their lack of supplementation with oligarchic sympathies, would have been enough to arouse the partisan hostilities of the democratic faction in Athens, especially in the uneasy times around the turn of the century. Is there reason to suppose, then, that Socrates would recognize this prejudice as sufficiently widespread to be a concern? And if so, does he respond to it in the Apology?

In fact, apart from later writers, we have no real evidence from before the time Polycrates wrote his pamphlet to assure us that the specific prejudices against Socrates were in part political. Aristophanes' Clouds, as we have said, involves no partisan political aspect, and his jab in the Birds, for example, may require no more than an observation of Socrates' ascetic appearance and reputation (cf. Av. 1282), aspects of style associated with the Spartans. But if we suppose that there was at least some suspicion about Socrates' political sympathies, we also find aspects of his defense speech that make clear how little connection he has to partisan political activities. As we have said, he reminds the jury, for example, that one of his dearest and best-known friends (Chairephon) was a democrat. Later, he shows them that his style of life and commitments to justice have gotten him in trouble with both factions equally (32a9-33a1). His point in this passage is clear: he is no partisan enemy of democracy; his mission is not political in the ordinary way at all. Socrates believes that a truly good man cannot function for long in the political arena and live. Finally, Socrates reiterates throughout his speech that he has no dogmas to teach (cf. esp. 33a5-b8). If there is partisan political prejudice against Socrates, then, these are his answers: (1) at least one of his best friends was a democrat; (2) his moral mission in Athens has all along put him outside the political arena; and (3) since he teaches no dogmas, it follows that he teaches no partisan political dogmas. We concede that (1) is not an especially convincing reply, and that (3) would be unlikely to convince those already prejudiced against him. But for (2), Socrates offers what he calls "great proofs" for what he says, and his position is made very clear as one that does not lend itself to partisan political maneuvering. His jurors may not find his reasons or the sentiments behind them very pleasing, to be sure, but Socrates cannot be convicted of not offering reasons for abandoning their political prejudices in his first speech.

What then is the effect Socrates is supposed by Polycrates and perhaps

others[33] to have had on Alcibiades and Critias? We believe that the only hypothesis that would make sense of this charge, given the factional diversity of Socrates' known associates and the conflicting evidence about his own political commitments, is that the slander against Socrates is no other than what he says it is in the Apology: he is a sophist who teaches his students to hold all morality in contempt and instead to act in whatever way happens to suit their own purposes. As a result, Critias is ready to use mayhem and terror during the reign of the Thirty, and Alcibiades flatters the democratic faction and seduces them into electing him general. Political ideology is not what is common to such men; flagrant disregard for the common good in favor of the advancement of their own interests is. And both may have been seen, one way or another, as guilty of irreligion.[34] So Socrates' influence is exactly what the "first" accusations make it out to be: he is an atheist and an immoralist, and he teaches others these things.

III

Our argument has thus far been that good sense requires construing the charge that Socrates was in some way to blame for the activities of Alcibiades and Critias as identical to the charge made by the "first" accusations, against which he defends himself in the Apology. But one significant puzzle remains: if his associations with Alcibiades and Critias were so much an issue to the jury, why did Socrates not speak explicitly and directly to these associations in his defense?

Earlier in his speech Socrates reminds his jurors of the grave danger he faced in defying the authority of the Thirty in his failure to participate in

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[33]In fact, as we shall subsequently argue, we think that it is entirely possible that Polycrates alone invented this charge, perhaps out of whole cloth. Its subsequent repetitions, we believe, may be in direct response only to his speech. (On this, see Chroust, esp. 69 ff.; also, Victor Ehrenberg, From Solon to Socrates, 2nd ed. [London, 1973], 372.)

[34]Alcibiades was prosecuted in absentia for profaning the Mysteries, and the one remaining fragment of work attributed by some to Critias, from the satyr play Sisyphus (cf. H. Diels and W. Kranz, Die Fragmente der Vorsokratiker, vol. 2, 6th edn. [Berlin, 1952], 88B25), expresses a decidedly atheistic account of the origins of religion. (Cf. also Plut. De superst. 171b.) That the evidence supports the view that Critias was an atheist has been disputed, however. (Cf., for examples, A. Dihle, "Das Satyrspiel 'Sisyphus'," Hermes 105 [1977] 28-42; Harald Patzer, "Der Tyrann Kritias und die Sophistik," in Studia Platonica [festschrift for Hermann Gundert], Amsterdam, 1974, 3-20; Dana F. Sutton, "Critias and Atheism," CQ NS31 [1981] 33-8.)

the arrest of Leon of Salamis (32c4-e1).[35] It might be supposed that his behavior in this instance, for which he offers "many witnesses" (32e1), would be sufficient to disengage Socrates from too close an association with Critias.

Still, Critias is never mentioned by name in this passage, and this is the closest Socrates ever comes to distancing himself from the man. And nothing in the Apology even hints this strongly at distance from Alcibiades. Yet a number of unfriendly incidents between Socrates and Critias may be found reported or at least implied in other ancient sources,[36] and Xenophon offers elaborate defenses against the charge that Socrates was in any way responsible for Critias' and Alcibiades' notorious evils.[37] Why does the subject get no explicit attention in Plato's account, especially if there is so much to say on Socrates' behalf in this regard?

We believe that the defense against the "first" accusations Socrates offers in the Apology is fully adequate to remove whatever stain these or any other associations may have put on Socrates' reputation, but a review of the elements of that defense would be too lengthy to undertake at this point. Let it suffice for now to recall that Socrates offers a defense against these

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[35]The name "Leon" appears only in Plato's account, and that of D. L. (2.24), apparently following Plato. But other references to the Thirty ordering Socrates to arrest someone appear in Plato, Letter VII 324D-325A, 325C, and Xen., Mem. 4.4.3. Yet other references to this event do not name Socrates as one of those ordered to make the arrest, but are compatible with what we find in the above passages in Plato and Xenophon. Cf. Andoc., Myst. 94; Lys. 12.52 and 13.44; and Xen., Hell. 2.3.39. On the identity of Leon, cf. MacDowell, Andokides on the Mysteries (Oxford, 1962), 133 (note on Myst. 94); W. James McCoy, "The Identity of Leon," AJP 96 (1975), 187-99.

[36]Other reports of conflict between Socrates and Critias or the Thirty in general, not concerning the arrest of Leon, may be found in Xen., Mem. 1.2.29-38; and Diod. 14.5.1-3. Krentz, however, disputes the report in Diod., favoring that in Plut. Mor. 836f., in which it is Isocrates and not Socrates whose actions are reported (77 n. 21).

[37]Mem. 1.2.12-47.

accusations,[38] and that, as we have argued, the sense in which the associations with Critias and Alcibiades may have been thought by his jurors to be damaging to Socrates is the sense that would be given them by making them paradigms of the sort of corruption with which Socrates is charged in the "first" accusations. All that would remain for Socrates to do, then, would be to make explicit that the defense he offers is especially mindful of the cases of Critias and Alcibiades.

Was there reason for Socrates to take this one extra step, all that would be needed, on our view, to complete an adequate defense against the charge with which so many ancient authors concerned themselves? We think not. For one thing, the evidence that Socrates had at least some falling out with Critias is both ample and various, and there is no reason to suppose that it was not generally available at the time of the trial. And even if some jurors were unaware of this fact, Socrates' tale of his refusal to arrest Leon would have been enough to raise the issue. Thus there is at least some reason to wonder just how close Socrates' relationship with Critias would have appeared to his jury to have been. If his influence on Critias had been so great, why would there have been such subsequent (and to Socrates, dangerous) enmity between the two? And though there is not such specific evidence of a falling out between Socrates and Alcibiades, there is also no evidence for a continuing relationship between them after Alcibiades' departure for Sicily some fifteen years before Socrates' trial. Nor was Socrates in any way implicated in the profanation of the Mysteries that began Alcibiades' infamies.

Secondly, we are inclined to find the apparently widespread concern for

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[38]Alexander Sesonske ("To Make the Weaker Argument the Stronger," Journal of the History of Philosophy 6 [1968] 217-31) has argued that Plato's Socrates does not offer a direct refutation of the "first accusation" that he makes the weaker argument appear the stronger, for ". . . 'someone "makes the weaker argument defeat the stronger"' asserts that the accused speaks in terms and forms quite different from those familiar within the tradition, and yet somehow compels assent. All of Plato's dialogues proclaim that this was true of Socrates!" (224--Sesonske's emphasis). Thus, on Sesonske's view, ". . . to see the Apology clearly is to see that the whole of Socrates' defense is vitally concerned with this charge. In its entirety his first speech to the jury constitutes, paradoxically, both a refutation and a confirmation of the charge, allowing the jury to decide which to heed" (222).

Our claim that Socrates defends himself against the "first accusations" requires no disagreement with Sesonske's view of this matter, since even Sesonske maintains that Socrates' first speech in at least some sense provides a refutation of this charge. In fact, there is much in Sesonske's discussion with which we disagree, but we allow that Socrates' whole manner of inquiry might have been seen as "making the weaker argument appear the stronger," and that his entire defense may have been seen by particularly traditional jurors as confirming this impression. Our disagreements with Sesonske derive from our view that Socrates in no way intended to contribute to this impression; rather, on our view he did everything he could, within his principles, to disconfirm it. Our defense of this position is made in "Irony, Arrogance, and Sincerity in Plato's Apology" (cf. n. 10, above).

so narrow a conception of the primary causes of Socrates' prosecution potentially misleading. All the instances in which it is reported or refuted by ancient authors are compatible with its invention as an issue by Polycrates. As we have said, both Isocrates and Xenophon are generally agreed to have been writing in direct response to Polycrates,[39] and Aischines' remarks, fifty years later, may be nothing more than a continuation of this same debate.

In fact, Isocrates' complaint may actually suggest that Polycrates invented the issue. Most commentators who rely on Isocrates' claims as evidence for the effects of Socrates' relationship to Alcibiades neglect to cite the relevant passage (in Busiris 5) in full. Isocrates says

> . . . and when you undertook to accuse Socrates, as if you sought to praise him, you gave Alcibiades to him as a student, who, as far as anyone perceived, never was taught [by Socrates].

When Isocrates says that no one had perceived (estheto) that Alcibiades was a student of Socrates', he may only mean that contrary to the common belief at the time of the trial, no one really had any direct evidence that Alcibiades had been Socrates' student; this is presumably how most scholars have read the passage. But Isocrates' remark may also be understood as saying that no one until Polycrates had ever perceived Alcibiades as having been a student of Socrates'.[40] So despite the number of authors involved in reporting the effects of Socrates' associations, no reflection of common sentiments at the time of the trial is necessarily implied. We know that Polycrates' pamphlet caused quite a stir, and this may be enough to explain later authors' concern for the specific charge that Socrates was held responsible for Critias and Alcibiades.

Finally, there is good reason to suppose, from Socrates' own rhetoric, that the identities of Socrates' allegedly corrupted students were never clear

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[39]The same can plainly be said for the much later, explicit responses of Libanius in his Apology of Socrates.

[40]This is how E. Dupreel reads it, for example (La legende Socratique et les sources de Platon [Brussels, 1922], 277-8), and though he rejects Isocrates' account, he does so precisely because he sees that it would entail that Polycrates invented the issue, which he cannot accept on (quite dubious) historical grounds (namely, that Plato's Prt. could not, in his opinion, have been written after Polycrates' pamphlet). Instead, he concludes that Plato and Aischines invented the relationship between Socrates and Alcibiades, and that Polycrates was merely responding to their fictions (279)! On the other hand, we accept Dupreel's dating of the Apology before Polycrates' pamphlet, and thus reject Ehrenberg's view that the former was one of the many things written in response to the latter (372). It is plainly not irrelevant to this that nothing in Plato's Apology (or for that matter Xenophon's, which may thus also have antedated Polycrates' work) provides a direct response to Polycrates' most notorious charges.

during the trial. Immediately after the passage in the Apology in which his alleged students are mentioned (33a1-5), Socrates challenges Meletus to produce even a single one, or else a relative of such a "student," who will testify to his corruptive influence (34a2-b5).[41] It may be true that Meletus would have been reluctant to take up Socrates' offer to call witnesses who could testify about any role Socrates' may have had in the "corruption" of Alcibiades and Critias, since perhaps that could be construed as testimony to substantiate the formal charges and, hence, as a direct violation of the Amnesty.[42] But immediately prior to his offer to allow Meletus to call any additional witnesses, Socrates himself invites anyone who claims to have been corrupted, or a relative of such a one, to come forward to testify against him (33c8-d8). Testimony offered by a witness called by Socrates himself, however, would clearly not violate the provisions of the Amnesty. This is significant because, in Plato's version of the speech, it is evident that Socrates wants the outcome of the trial to be determined by the full truth, not the bias of the jury nor by any fortuitous legal protection he may happen to enjoy as the result of the Amnesty.[43] Thus, Socrates' offer at 34a2-b5 to have anyone who wishes speak against him is not an empty gesture secured only by the knowledge that a legal nicety protects him from damaging testimony about his relationship with either Alcibiades or Critias, for he enjoys no such legal protection once he himself invites the damaging testimony.

In any case, if the names of allegedly corrupted youths had already been named by his prosecutors, even if only by insinuation or through slanderous asides--indeed, even if their identities were so obvious to those present at the trial that they did not need attention called to them--Socrates and his jurors would have been well aware of what particular "students" his prosecutors had in mind. On any such hypothesis, Socrates' challenge to Meletus at 34a2-b5 becomes so transparent a pose that even the most sluggish member of the jury could penetrate it, whatever Socrates' actual legal protection may

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[41]For the evidence that it would not have been unusual for Socrates to invite Meletus to speak again, cf. Burnet (1924) note on 34a5. In the same note, however, Burnet is skeptical of the possibility that Meletus could have used the opportunity to introduce new evidence on the ground that any legally permissible evidence at the trial would already have had to be introduced at the anakrisis, or preliminary hearing, before the trial. Against such a restrictive view of what was legally permissible evidence, cf. A. W. R. Harrison, The Law of Athens: Procedure (Oxford, 1971), 97-8.

[42]Since the actual evidence against Socrates would have been restricted to allegations of crimes that took place after the Amnesty, and since the testimony of witnesses was obviously an important source of such evidence, the prosecutors may well have been reluctant even to attempt to produce a witness regarding Socrates' association with Alcibiades or Critias, even though Socrates invites them to do so.

[43]For a full account of Socrates' commitment that the case be decided by the jury's best estimation of the truth, cf. our paper, "Irony, Arrogance and Sincerity in Plato's Apology" (cf. n. 10, above).

have been.

As we have pointed out above, the prosecutors could have sought to impugn Socrates' character through mention of his association with Alcibiades and Critias without fear of being perceived to violate the conditions of the Amnesty. And we can be quite confident that had they thought that making legally permissible references to those associations would have damaged Socrates in the eyes of the jury, one or more of the prosecutors would have made them. The fact that they apparently made no mention of these notorious figures indicates that neither Alcibiades nor Critias was seen as a recognizable paradigm of Socratic corruption, even in the minds of the very men who were most hostile to Socrates.

For these reasons we are inclined to doubt that Socrates' association with Alcibiades and Critias was a specific and profound concern to a significant number of the jurors. If we are right, Socrates' defense against the "first" accusations is suited well enough to any slander that may have made him responsible for anyone's misdeeds, and to focus on individual instances would be a needless waste of the precious time allotted to him. Since there is no compelling evidence, later testimonia notwithstanding, to believe, and as we have seen, at least some reason to deny, that Socrates' associations with Critias and Alcibiades represented a matter of special and specific concern to the jurors, apart from what Socrates identifies as the "first" accusations, we find no jurisprudential fault in Socrates' failure to apply his defense explicitly to a summary review of these or any other specific associations.

IV

In this paper, we have argued against those who construe the charge made by (and perhaps originating with) Polycrates, that Socrates was the teacher of Alcibiades and Critias, to be in itself a substantial feature of the prejudice Socrates faced as he stood trial for impiety and corrupting the youth. We have disputed the common interpretation of this charge as having a political nature distinct from the sorts of slanders Socrates summarizes as being the "first" accusations against him. We concede that his relationships to Critias and Alcibiades may have stood in some jurors' minds as paradigms of the effects Socrates had on those who attended his conversations. But we have attempted to show why these relationships would not have required explicit attention by Socrates, for him to have reason to suppose that the defense he offered the jury was the most exhaustive he could offer. If there was some failure in Socrates' defense, therefore, it is not to be found in either a "cover-up" or a careless disregard for the jurors' suspicion about his influence on two of Athens' most infamous bad guys.[44]

[44]We are indebted to David Halperin, Mark McPherran, Charles M. Reed, Henry Teloh, and Gregory Vlastos for comments on various earlier drafts of this paper. None of the above, however, may be presumed to agree with us.